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April 7, 2014

Freedom of Information Act Request
Fox River Superfund Site
(EPA ID No. WI0001954841)

Dear Sir or Madam:

We represent NCR Corporation ("NCR") in connection with the Fox River Site, EPA Site ID No. WI0001954841 (the "Site"). We request disclosure from the United States Environmental Protection Agency ("EPA"), under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, of all public agency records¹ concerning the three Proposed Consent Decrees lodged by the Department of Justice ("DOJ") on March 26, 2014, in the lawsuit captioned *United States v. NCR Corp.*, No. 10-cv-910, Dkt. 924 (E.D. Wis.), and referenced in 79 Fed. Reg. 18315 (April 1, 2014). Specifically, this letter requests the below records and any other records related to the Proposed Consent Decrees.

I. Proposed Consent Decree with the City of Appleton, CBC Coating Inc., Menasha Corporation, the Neenah-Menasha Sewerage Commission, U.S. Paper Mills Corporation and WTM I Company ("Proposed Consent Decree I"):

1. All records relating to and correspondence between the EPA and all parties to Proposed Consent Decree I (including their respective agents, consultants, contractors or attorneys) relating to Proposed Consent Decree I, including attachments or enclosures;
2. All records relating to and correspondence between and among the EPA and any other federal, state or tribal agency, including, without

¹ For purposes of this request, the term "records" shall include but not be limited to documents, information, memoranda, letters, records of communications, telephone message slips and records, calendars, notes, data and analyses of data, computerized stored recordations, electronic data compilations, email, drawings, field notes, interviews, photographs, images and calculations.

limitation, the United States Department of Justice, the United States Department of the Interior, the United States Department of Commerce, the United States Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, the Wisconsin Department of Justice and the Wisconsin Department of Natural Resources, (including each agency's respective agents, consultants, contractors or attorneys), relating to Proposed Consent Decree I, including attachments or enclosures;

3. All records relating to the basis for determining the consideration that each of the parties to Proposed Consent Decree I agrees to give, including all records relating to the basis for the conclusion of the EPA or any other federal, state or tribal agency that these amounts of money or other settlement terms are reasonable, fair and consistent with the statutory purpose of the Comprehensive Environmental Response, Compensation and Liability Act;
4. All records relating to the basis for determining the amount of natural resource damages under 42 U.S.C. §§ 9607(a)(1)(4) & (f) apportioned to the parties to Proposed Consent Decree I, including all records relating to the basis for the conclusion of the EPA or any other federal, state or tribal agency that this apportionment of natural resource damages is reasonable, fair and consistent with the statutory purpose of the Comprehensive Environmental Response, Compensation and Liability Act; and
5. All records contained in the administrative record, if any, for Proposed Consent Decree I.

II. Proposed Consent Decree with Kimberly-Clark Corporation ("Proposed Consent Decree II"):

1. All records relating to and correspondence between the EPA and Kimberly-Clark Corporation ("Kimberly-Clark") (including its agents, consultants, contractors or attorneys) relating to Proposed Consent Decree II, including attachments or enclosures;
2. All records relating to and correspondence between and among the EPA and any other federal, state or tribal agency, including, without limitation, the United States Department of Justice, the United States Department of the Interior, the United States Department of Commerce, the United States Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, the Wisconsin Department of Justice and the Wisconsin Department of Natural Resources, (including each agency's respective agents, consultants, contractors or attorneys), relating to Proposed Consent Decree II, including attachments or enclosures;

3. All records relating to the basis for determining the amount of consideration that Kimberly-Clark agrees to give under Proposed Consent Decree II, including all records relating to the basis for the conclusion of the EPA or any other federal, state or tribal agency that this amount of money and other settlement terms are reasonable, fair and consistent with the statutory purpose of the Comprehensive Environmental Response, Compensation and Liability Act;
4. All records relating to the basis for determining the amount of natural resource damages under 42 U.S.C. §§ 9607(a)(1)(4) & (f) apportioned to Kimberly-Clark under Proposed Consent Decree II, including all records relating to the basis for the conclusion of the EPA or any other federal, state or tribal agency that this apportionment of natural resource damages is reasonable, fair and consistent with the statutory purpose of the Comprehensive Environmental Response, Compensation and Liability Act; and
5. All records contained in the administrative record, if any, for Proposed Consent Decree II.

III. Proposed Consent Decree with NewPage Wisconsin System Inc.
("Proposed Consent Decree III"):

1. All records relating to and correspondence between the EPA and NewPage Wisconsin System Inc. ("NewPage") (including its respective agents, consultants, contractors or attorneys) relating to Proposed Consent Decree III, including attachments or enclosures;
2. All records relating to and correspondence between and among the EPA and any other federal, state or tribal agency, including, without limitation, the United States Department of Justice, the United States Department of the Interior, the United States Department of Commerce, the United States Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, the Wisconsin Department of Justice and the Wisconsin Department of Natural Resources, (including each agency's respective agents, consultants, contractors or attorneys), relating to Proposed Consent Decree III, including attachments or enclosures;
3. All records relating to the basis for determining the amount of consideration that NewPage agrees to give under Proposed Consent Decree III, including all records relating to the basis for the conclusion of the EPA or any other federal, state or tribal agency that this amount of money and other settlement terms are reasonable, fair and consistent with the statutory purpose of the Comprehensive Environmental Response, Compensation and Liability Act;

4. All records relating to the basis for determining the amount of natural resource damages under 42 U.S.C. §§ 9607(a)(1)(4) & (f) apportioned to NewPage under Proposed Consent Decree II, including all records relating to the basis for the conclusion of the EPA or any other federal, state or tribal agency that this apportionment of natural resource damages is reasonable, fair and consistent with the statutory purpose of the Comprehensive Environmental Response, Compensation and Liability Act; and
5. All records contained in the administrative record, if any, for Proposed Consent Decree III.

In the event that the EPA seeks to withhold any records pursuant to a claimed FOIA exemption, we request that the EPA identify the withheld records and asserted FOIA exemption, along with the name and title of each individual responsible for asserting the claimed exemption. *See* 5 U.S.C. §§ 552(a)(6)(A)(i) & (C)(i).

We respectfully request that the above-referenced materials be produced in either hard copy or electronic form within the 20 days provided under FOIA. *See* 5 U.S.C. § 552(a)(6)(A)(i). Please contact me with any questions or if any copying expenses are required.

Regards,



David F. Lisner

Freedom of Information Officer
United States Environmental Protection Agency
Region 5 (MI-9J)
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By FedEx